

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04CV11023 RCL

LEON ROBINSON,
Plaintiff

v.

THOMAS MENINO, PAUL F.
EVANS, JAMES WYSE,
MICHAEL PRIMM, JOHN A.
MARTEL, WAYNE ROCK,
GARRETT MITCHELL,
CHARLES HARDY, AMERICAN
BROADCASTING CO., INC.,
HEARST-ARGYLE STATION
INC., WCVB TV (Channel 5,
Boston) DENNIS MCCARTHY
AND JOHN DOE I,
Defendants

**DEFENDANTS EVANS, WYSE, PRIMM, MARTEL, ROCK, MITCHELL & HARDY'S
OPPOSITION TO PLAINTIFF'S "ASSENTED TO" MOTION TO ISSUE SUBPOENA**

Defendants Paul Evans, James Wyse, Michael Primm, John A. Martel, Wayne Rock, Garrett Mitchell and Charles Hardy (collectively, "the Boston Police Defendants") hereby oppose plaintiff's "Assented To" Motion To Issue Subpoena. While it appears that plaintiff has filed this motion requesting materials not from the Boston Police Defendants, but specifically from the co-defendants, American Broadcasting Co., Inc., Hearst-Argyle Station, Inc., the Boston Police Defendants submit their opposition to clarify for the Court that plaintiff's motion was not "assented-to" by the Boston Police Defendants, as the plaintiff mistakenly asserts. Plaintiff did not at any point confer with the Boston Police Defendants prior to filing his motion nor did they at any point offer their assent to such motion. Moreover, any effort by the plaintiff to seek discovery at this juncture is premature. No scheduling conference has been scheduled in this matter nor has any discovery schedule been established by the Court.

For the foregoing reasons, the Defendants respectfully request that this Court deny the Plaintiff's "Assented-to" Motion To Issue Subpoena.

Respectfully submitted,

DEFENDANTS, PAUL F. EVANS, JAMES
WYSE, MICHAEL PRIMM, JOHN A. MARTEL,
WAYNE ROCK, GARRETT MITCHELL &
CHARLES HARDY

Merita A. Hopkins
Corporation Counsel

By their attorney,

/s/ Helen G. Litsas
Helen G. Litsas , BBO# 644848
Assistant Corporation Counsel
City of Boston Law Department
Room 615, Boston City Hall
Boston, Massachusetts 02201
(617) 635-4023

CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon: Leon Robinson (A-22594), Old Colony Correctional Center, Bridgewater, MA 02324, via first class mail.

9/22/05 /s/ Helen G. Litsas
Date Helen G. Litsas